IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.171 OF 2007

Sadanand Hariharrao Patwardhan ...Applicant
Versus
M/s.Mohini Resorts Pvt Ltd & Ors. ...Respondents

AND
CIVIL REVISION APPLICATION NO.172 OF 2007

Smt Vijaya Neelkanth Sahasrabudhe & Ors. ...Applicants
Versus
M/s.Mohini Resorts Pvt Ltd & Ors. ...Respondents

Shri Shriram S. Kulkarni for the Applicant in both the Applications.
Shri Dhakephalkar, Sr counsel alongwith Shri Madhav Jamdar for the Respondent No.1.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 25, 2007.

P.C.:

1. Rule. The learned Advocate appearing for the Respondents waives service. Taken up for hearing forthwith.

2. Various submissions have been made by the learned Advocate appearing for the revision Applicant. It is brought to my notice that findings on some of the issues which are answered in favour of the landlord have not been dealt with by the Appellate Court. My attention was invited to the issue No.5 framed by the trial Court regarding acquisition of suitable accommodation. The said issue was answered in favour of

the landlord. However, the same has not been dealt with in the judgment of the Appellate Court. The submission of the learned Advocate for the revision Applicant is that detailed submissions in writing were filed on behalf of the revision Applicants before the District Court and most of the submissions have not been considered.

3. The learned senior counsel appearing for the landlord faced with the submissions made by the learned Advocate for the revision Applicant submitted that considering the fact that certain issues have not been answered by the Appellate Court instead of keeping the revision Applications pending in this Court, the Appeals may be remanded to the Appellate Court to decide the same afresh. He submitted that considering the fact that the decree for possession has been passed on the ground on bonafide requirement and considering the fact that original suit is filed in the year 1992, the Appellate Court may be directed to decide the Appeal as expeditiously as possible.

4. Considering the submissions made, I pass the following order:

(i) The impugned Judgment and Decree dated 20th

February, 2007 passed by the learned Principal District Judge, Pune in Civil Appeal Nos.454 of 2005 and 455 of 2005 is quashed and set aside and Civil Appeal No.454 of 2005 and 455 of 2005 are restored to the file.

(ii) The parties are directed to appear before the Appellate Court on 11th June, 2007 for fixing the schedule of the hearing.

(iii) The Appellate Court will decide the Appeals as expeditiously as possible and preferably on or before 30th September, 2007.

(iv) All contentions of the parties on merits of the pending Appeals are expressly kept open.

(v) No orders as to costs.

(vi) Parties and concerned Courts to act upon an authenticated copy of this order.

JUDGE